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9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;

16 OTTOMOTTO LLC; OTTO TRUCKING

17 LLC,

18 Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF PATRICK
SCHMIDT**

Hearing:

Date: May 24, 2017

Time: 2:00 p.m.

Place: Courtroom F, 15th Floor

Judge: The Honorable Jacqueline Scott Corley

1 I, Patrick Schmidt, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC ("Waymo"). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. Attached hereto as Exhibit 9¹ is a true and correct copy of the February 22, 2016
7 executed term sheet related to the Otto acquisition produced by Uber Technologies, Inc. ("Uber").

8 3. Attached hereto as Exhibit 10 is a true and correct copy of the agreement to
9 indemnify certain employees produced by Uber.

10 4. Attached hereto as Exhibit 11 is a true and correct copy of the Exhibit A to the
11 indemnification agreement produced by Uber.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 DATED: May 16, 2017

15 /s/ Patrick Schmidt
Patrick Schmidt

16
17 **SIGNATURE ATTESTATION**

18 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the
19 filing of this document has been obtained from Patrick Schmidt.

20
21 /s/ Charles K. Verhoeven
Charles K. Verhoeven

22
23
24
25
26 _____
27 ¹ For clarity, this Declaration begins with Exhibit 9 because Waymo submitted Exhibits 1-8
28 with the Declaration of Kevin Smith that it submitted in support of its opening brief on May 1,
2017 (Dkt. 321-1).